REMARKS/ARGUMENTS

The Office Action mailed December 18, 2006 has been received and the Examiner's comments carefully reviewed. The Office Action rejected claims 1-20. Claims 1-15 and 17-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Klassen et al (U.S. Patent No. 6,711 ,137) (hereinafter Klassen) in view of Dillon et al (U.S. Patent No. 6,473,793) (hereinafter Dillon). Independent Claims 1, 7 and 11 have been amended. No new matter has been added. For at least the following reasons, Applicants respectfully submit that the presently pending claims are in condition for allowance.

Claim Rejections

Claims 1-20 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office Action stated that "[t]he claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." The Applicants respectfully disagree but have amended the independent claims to more clearly define the invention.

With regard to Claim 1 the Office Action states that Klassen does not "explicitly teach that automatically tuning the size of the TCP receive window comprises setting the size of the current TCP receive window without manual intervention." The Office Action argues, however, that Dillon "explicitly teach that automatically tuning the size of the TCP receive window on the receiving computing device (hybrid gateway receives the packet and adjusting the window size based on the user bandwidth) based on the determined bandwidth, wherein automatically tuning the size of the TCP receive window comprises setting the size of the current TCP receive window without manual intervention (figures 1 and 14; column 9 lines 39-67; column 10 lines 20-43; column 11 lines 23-35; column 16 lines 8-36; column 21 lines 26-32; and column 22 lines 1-3)." The Applicants respectfully disagree and present the following.

As amended, Claim 1 recites in part "automatically tuning the size of the TCP receive window on the receiving computing device based on the determined bandwidth; wherein the

automatically tuning comprises setting the size of the current TCP receive window without manual intervention and wherein setting the size of the current TCP receive window sets the number of packets allowed to be sent to the receiving computing device before an acknowledgment is sent from the receiving computing device to a sending computing device." Support for this recitation may be found on page 10, paragraph 4 of the Applicants' specification which states in part "RWIN 800 is set to receive N segments 810. A receiver of data advertises its RWIN size during TCP/IP connection setup. The sender may then send as many packets as allowed by the size of the RWIN before receiving an acknowledgement (ACK). In other words, each segment sent by the sender closes RWIN by one segment (indicator 860) and each ACK received opens the window (indicator 870). On a TCP connection, a sender may transmit the number of segments advertised by RWIN 800 before waiting for an ACK." Also, referring to FIGURE 2 of the Applicants' drawings the RWIN Tuner is located within an end computing device and is not located within a router or within a hybrid gateway that is located between a source computer and requesting terminals (See column 2, lines 5-17). In contrast, Dillon adjusts the throughput at a point between the source computer and the requesting terminal. Additionally, Dillon does not adjust the TCP receive window. Instead, Dillon adjusts a parameter that is contained within each of the TCP packets that have already been sent by the source computer (See column 9, lines 39-67). Adjusting a parameter in the TCP packet does not correspond to adjusting the TCP receive window at the receiving computer. The adjustment of a parameter in a TCP packet requires accessing each packet and making the adjustment for each packet sent to the receiving device. An adjustment of a TCP receive window, on the other hand, does not involve adjusting a parameter within each sent packet. These are two different and distinct adjustments. As such, it is submitted that Claim 1 is allowable for at least the above reasons.

It is also submitted that independent Claims 7 and 11, as amended, are allowable for at least the same reasons. Claims 2-6, 8-10 and 12-20 are proposed to be allowable since they depend from valid base claims.

Conclusion

In view of the foregoing remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

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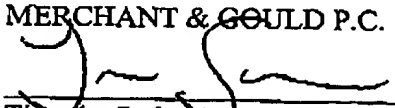

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